



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FF, MNR, MND, MNDS & MNDC

Introduction

A hearing was conducted by conference call in the presence of a representative of the applicant and in the absence of the respondent although duly served. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

I find that the Application for Dispute Resolution/Notice of Hearing was sufficiently served on the Tenant by mailing by registered mail to the forwarding address provided by the tenant. The landlord testified the tenant picked up the package from Canada Post on December 17, 2013. With respect to each of the applicant's claims I find as follows:

Issue(s) to be Decided

The issues to be decided are as follows:

- a. Whether the landlord is entitled to a monetary order and if so how much?
- b. Whether the landlord is entitled to retain all or a portion of the security deposit/pet deposit?
- c. Whether the landlord is entitled to recover the cost of the filing fee?

Background and Evidence

The parties entered into a one year fixed written tenancy agreement that provided that the tenancy would start on July 1, 2012, continue for one year and become month to month after that. The rent was \$805 per month payable in advance. The tenant paid a

security deposit of \$402.50 at the start of the tenancy. The rent was subsequently increased to \$835 per month payable in advance on the first day of each month. The tenant failed to give the landlord one month clear notice that she was intending to vacate as required by the Residential Tenancy Act. The tenant vacated the rental unit on November 16, 2013 and the outgoing Condition Inspection was completed on November 21, 2013. The landlord was not able to rent the premises until for December 15, 2013 and suffered ½ month rent loss.

Analysis

The Residential Tenancy Act provides the tenant must maintain reasonable health, cleanliness and sanitary standards throughout the rental unit and the other residential property to which the tenant has access. The tenant must repair damage to the rental unit or common areas that is caused by the actions or neglect of the tenant or a person permitted on the residential property by the tenant and is liable to compensate the landlord for failure to do so. In some instances the landlord's standards may be higher than what is required by the Act. The tenant is required to maintain the standards set out in the Act. The tenant is not required to make repairs for reasonable wear and tear. The applicant has the burden of proof to establish the claim on the evidence presented at the hearing.

Monetary Order and Cost of Filing fee

With respect to each of the landlord's claims I find as follows:

- a. I determined the landlord is entitled to \$417.50 for ½ month loss of rent for the month of December. The tenant failed to give the one month clear notice as required by the Residential Tenancy Act and the landlord lost rent for half of the December.
- b. I determined the landlord is entitled to \$100 for the cost of cleaning including \$10 for cleaning materials.

- c. I determined the landlord is entitled to \$83.85 for the cost of drape cleaning.
- d. I determined the landlord is entitled to \$98.70 for the cost of carpet cleaning.
- e. The landlord withdrew the claim for the storage locker lock and key service.

In summary I determined the landlord has established a monetary claim against the tenant(s) in the sum of \$700.05 plus the \$50 filing fee for a total of \$750.05.

Security Deposit

I determined the security deposit plus interest totals the sum of \$402.50. I determined the landlord is entitled to retain this sum. I ordered the landlord may retain this sum thus reducing the amount outstanding under this monetary order to the sum of \$347.55.

It is further Ordered that this sum be paid forthwith. The applicant is given a formal Order in the above terms and the respondent must be served with a copy of this Order as soon as possible.

Should the respondent fail to comply with this Order, the Order may be filed in the Small Claims division of the Provincial Court and enforced as an Order of that Court.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under section 9.1(1) of the Residential Tenancy Act.

Dated: March 05, 2014

Residential Tenancy Branch

